

Attorney Docket No.: 6594.200-US
Sauerberg et al.
Application No.: 10/734,368
Filed: December 12, 2003
Via Facsimile No.: 571-273-8300

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Attorney Docket No.: 6594.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sauerberg et al.

Confirmation No.: 2809

Application No.: 10/734,368

Group Art Unit: 1621

Filed: December 12, 2003

Examiner: Keys, Rosalynd Ann

For: Novel Compounds, Their Preparation and Use

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action mailed September 29, 2006, having a shortened statutory period for reply set to expire October 29, 2006, subject to extensions of time under 37 C.F.R. §1.136(a). A petition for a two (2) month extension of time to increase the period for reply from October 29, 2006, to December 29, 2006, is enclosed herewith to permit timely filing of this response.

The Examiner states claims numbered 1-73 are pending in the application and claims 1-73 are subject to a restriction and/or election requirement.

The Examiner has required a restriction in this application for examination purposes to one of the following inventions:

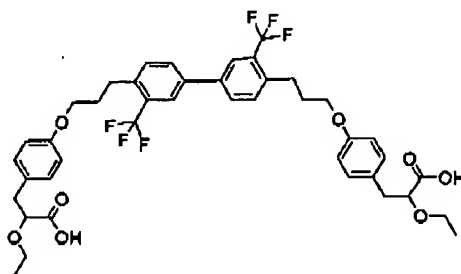
Group I. Claims 1-69, drawn to a compound and pharmaceutical composition;
and

Group II. Claims 70-73, drawn to a method for the treatment of conditions mediated by nuclear receptors.

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In response to the restriction requirement, Applicant hereby elects, for examination purposes, the invention of: Group I, compound and pharmaceutical composition.

Applicant additionally elects a single species of Formula (I), for examination purposes only, disclosed in Example 16, found on page 66, lines 12 through 14, of the specification as originally filed:



(S,S)-3-{4-[3-(4'-{3-[4-(2-Carboxy-2-ethoxy-ethyl)-phenoxy]-propyl}-3,3'-bis-trifluoromethyl-biphenyl-4-yl)-propoxy]-phenyl}-2-ethoxy-propionic acid.

Applicant hereby reserves the right to file continuing or divisional applications directed to the nonelected and/or cancelled subject matter.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: December 20, 2006

Rosemarie R. Wilk-Orescan
Registration Number 45,220
Novo Nordisk Inc.
100 College Road West
Princeton, NJ 08540
609-987-5969

Customer Number

23650

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